

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8697 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DHIRUBHAI GANESHBHAI CHAUDHARY

Versus

SECRETARY

Appearance:

MR PK JANI for Petitioner

MR KT DAVE AGP for Respondents Nos 1 to 3.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 13/10/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. K.T.Dave, learned Assistant Government Pleader appearing for the respondents. Heard. The order dated 30th June, 1998 disqualifying the petitioner for a period of two years to be the member of the Managing Committee of the Kheralubhag Seva Sahakari Mandali Ltd. was under challenge before the Additional Registrar, Cooperative Societies who admitted the revision application and granted status quo against the implementation of the order. The order of status quo was extended from time to time upto 18th August, 1998. Under such circumstances set out in the memo of petition, the petitioner was required to move application for extension of the status quo on 20th August, 1998. The Additional Registrar, Cooperative Societies had put up endorsement on 20th August, 1998 that the order of status quo was not in operation for a couple of days and, therefore, there was no question of extending the status quo. The petitioner applied for stay of the order and the stay was granted upto 24th August, 1998. In the revision application moved against the said order, the State Government granted ad interim orders initially and the hearing of the application was fixed on 15th September, 1998 and 29th September, 1998. By the impugned order dated 30th September, 1998, the revision application in respect of the refusal of status-quo/stay has been rejected.

2. It would be clear from the aforesaid facts that the main matter is yet pending before the concerned authority and the order of status quo has been rejected in the revision application. In my opinion, when the main matter is yet to be decided and disposed of on merits, there is no reason why the order of status-quo which was initially granted and continued from time to time be not extended till the main matter is decided. Hence, in the facts of the case, following order is passed :

The impugned order dated 30th September, 1998 passed by the Deputy Secretary (Appeals), Agriculture and Cooperation Department is hereby quashed and set aside. The Additional Registrar, Cooperative Societies will hear the main matter pending for hearing on merits (Revision Application No. 35 of 1998) as expeditiously as possible and dispose of the same accordingly. The order of status-quo as granted by the concerned authorities will continue to operate till the final disposal of the said revision application. Rule is made absolute accordingly with no order as to cost.

13.10.1998. (M.S.Parikh,J.)

Vyas